IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22089 of 2004

Between:

R.A.Rao, E-451308, Conductor s/o.Musili
R/o.Narsipatnam, Visakhapatnam District.

..... PETITIONER

AND

1 The A.P.S.R.T.C. rep. by its Regional Manager, Visakhapatnam District, At Visakhapatnam,.
2 The A.P.S.R.T.C. rep by its Depot Manager Narsipatnam Depot, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the 2nd respondent herein in suspending the petitioners from service, vide proceedings No.02/62/(188)/04-NRPM, Dt.23.11.2004 as illegal, unjust and arbitrary, unwarranted and as such liable to set aside in the interest of justice and pass.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents.: KUM.B.G.UMA DEVI

The Court made the following :

ORDER:

This writ petition is filed by the petitioner questioning the order of the 2nd respondent in suspending him from service vide proceedings, dated 23-11-2004.

The only contention raised by the learned counsel for the petitioner is that it is not possible for the petitioner to act as a conductor in respect of two buses, and therefore, the order under challenge suffers from serious legal infirmities.

The learned standing counsel for the respondents-Corporation contended that it is only a suspension order pending enquiry, and therefore, there are no grounds to interfere with the impugned proceedings.

The petitioner was placed under suspension for short remittance of Rs.472/- on 23-10-2004 and also failed to collect the ticket fares from the chargeable children. When there was a clear mention in the impugned proceedings itself that the petitioner was performing the duties in two buses *viz*., AP11Z - 2562 and AP10Z - 6304 on 23-10-2004 on route Narsipatnam to Vijayawada, it may not be possible to accept the contention of the petitioner that he cannot act as Conductor in the same route for two buses. However, the

allegation of the respondents against the petitioner would clearly go to show that there was a short remittance of Rs.472/-. In the enquiry only, it has to be brought on record by the Department as to how and in what manner the petitioner was asked to perform the duties as a conductor in two buses and, on this ground alone suspension order pending enquiry against the petitioner cannot be set aside. Normally, this Court will not interfere with the suspension order made by the administrative authorities unless such an order is passed without jurisdiction. It is not a case where the Depot Manager, Narsipatnam has no jurisdiction to place an employee under suspension.

The contention raised by the learned counsel for the petitioner can as well be agitated before the enquiry officer. Therefore, the writ petition is disposed of with a direction to the respondents-Corporation to conduct and complete the enquiry within a period of three months from the date of receipt of a copy of this order. No costs.

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K.C. Bhanu, J

Date:02-12-2004

KLP

To

1 The Regional Manager,A.P.S.R.T.C. Visakhapatnam District,

Visakhapatnam,.

2 The Depot Manager Narsipatnam Depot,A.P.S.R.T.C.,

Visakhapatnam District.

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